

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.:                   RULE TITLE:  
 IT-1.001                   Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment is to:

1. Create a new rule, Cultural Facilities Program, Rule IT-1.039, F.A.C., that establishes eligibility criteria, application procedures, matching funds, panel review criteria, scoring criteria, Legislative review, reporting requirements, grant administration forms, program guidelines, and criteria related to compliance and the recordation of restrictive covenants for the Cultural Facilities Program.
2. Repeal paragraph IT-1.001(3), F.A.C., and incorporate the program information into the new Cultural Facilities Program, Rule IT-1.039, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Cultural Facilities Program eligibility, application procedures, matching funds, evaluation criteria, reporting requirements, and grant administration.

RULEMAKING AUTHORITY: 265.701(5) FS.

LAW IMPLEMENTED: 215.97, 265.701, 286.011, 286.012, 286.25 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, April 12, 2010, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.:                   RULE TITLE:  
 40B-400.475               General Permit for Minor Activities

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-400, Florida Administrative Code (F.A.C.), to correct the language in paragraph 40B-400.475(1)(b), F.A.C.

SUBJECT AREA TO BE ADDRESSED: This rule development will correct language in paragraph 40B-400.475(1)(b), F.A.C.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Rules and Contracts Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.:                   RULE TITLE:  
 40E-3.035                   Agreements

PURPOSE AND EFFECT: To amend Rule 40E-3.035, Florida Administrative Code, to: 1) incorporate by reference the water well delegation agreements with Broward, Glades, Highlands, Lee, Miami-Dade, Orange, Osceola, Polk, and Palm Beach County Health Departments to delegate the implementation of the water well regulatory program; 2) to incorporate by reference the first amendment to the delegation agreement with the City of Cape Coral, and the Collier, Hendry, Martin, Okeechobee, Osceola, and St. Lucie County Health Departments; and, 3) to incorporate by reference the second

amendments to the delegation agreements with Martin, Okeechobee, and St. Lucie County Health Departments to include a provision concerning legal support.

**SUBJECT AREA TO BE ADDRESSED:** Well Delegation Agreements and Amendments to the Agreements between the South Florida Water Management District and various governmental entities.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** April 20, 2010, 9:00 a.m.

**PLACE:** South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The South Florida Water Management District Clerk's Office, at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Dean Powell, Deputy Department Director, Water Supply, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6787 or (561)682-6787, or by email to: dpowell@sfwmd.gov. For procedural questions, please contact Kathie Ruff, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 or by email to: kruff@sfwmd.gov.

The Preliminary Text of the Proposed Rule Development is located on the District's website at: [www.sfwmd.gov](http://www.sfwmd.gov) – Under Topics, click on Permits, then click on Rules, Statutes and Criteria in the Related Links listing on the left-hand side of the window. Copies of the Delegation Agreements are available by contacting Kathie Ruff, Paralegal, Office of General Counsel, South Florida Water Management District, as listed above.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

**RULE NO.:** 59G-4.130  
**RULE TITLE:** Home Health Services

**PURPOSE AND EFFECT:** The purpose of the amendment to Rule 59G-4.130, F.A.C., is to incorporate by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, update July 2010. The handbook was revised to comply with changes to Section 409.905(4), F.S. Changes include requiring prior authorization for all home health visits (skilled nursing and home health aide services), private duty nursing, and personal care. The ordering physician cannot be employed by or under contract with the home health service provider that is rendering the services and must have provided an examination or medical consultation to the recipient within 30 days preceding the request for services. The ordering physician's National Provider Identifier, Medicaid Provider Number, or medical license number must be written on the order for services and the prior authorization request. In addition, the update includes numerous policy clarifications.

**SUBJECT AREA TO BE ADDRESSED:** Home Health Services.

**RULEMAKING AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.905, 409.908, 409.9081 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Monday April 12, 2010, 10:00 a.m. –12:00 Noon

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Claire Anthony-Davis at the Bureau of Medicaid Services, (850)412-4266. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Claire Anthony-Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)412-4266, [davisc@ahca.myflorida.com](mailto:davisc@ahca.myflorida.com)

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, updated July 2010 ~~July 2008~~, incorporated by

reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7.

(3) through (4) No change.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, 12-29-08,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-14.008  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: To clarify and update language in the rule.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 475.05, 475.25(1)(k) FS.

LAW IMPLEMENTED: 475.25(1)(k) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-302.540  
 RULE TITLE: Water Quality Standards for Phosphorus Within the Everglades Protection Area

PURPOSE AND EFFECT: On December 3, 2009, the Department received a letter of determination from the United States Environmental Protection Agency ("U.S. EPA") related to several provisions of Rule 62-302.540, F.A.C., which were remanded to U.S. EPA for review from the United States District Court for the Southern District of Florida in case no. 04-21448-Civ-Gold/McAliley. U.S. EPA's letter disapproved certain provisions of Rule 62-302.540, F.A.C., in accordance with the Court's ruling, issued on July 29, 2008, in which the United States District Court invalidated certain provisions of the Rule.

SUBJECT AREA TO BE ADDRESSED: Deletion of specific provisions of the Rule that were invalidated by the United States District Court in its Order of July 29, 2008, or disapproved by the U.S. EPA in its December 3, 2009 letter of determination.

RULEMAKING AUTHORITY: 373.043, 373.4592, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.4592, 403.021(11), 403.061, 403.201 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Shaw, Standards and Assessments Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400; telephone (850)245-8429, email [Eric.Shaw@dep.state.fl.us](mailto:Eric.Shaw@dep.state.fl.us).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-7.002	Definitions
63E-7.006	Quality of Life and Youth Grievance Process
63E-7.010	Residential Case Management Services
63E-7.011	Delinquency Intervention and Treatment Services
63E-7.013	Safety and Security
63E-7.016	Program Administration

PURPOSE AND EFFECT: The amendments are intended to incorporate the Youth Needs Assessment Summary, and to conform portions of the residential rule to state and federal requirements in the areas of gang prevention, treatment services, consent to treatment, health services, and facility safety.

SUBJECT AREA TO BE ADDRESSED: Amending provisions relating to treatment, assessment, prevention and intervention, and facility operations.

RULEMAKING AUTHORITY: 985.601, 985.64 FS.

LAW IMPLEMENTED: 985.601 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, April 13, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida

For information about participation by telephone, contact John Milla at (850)921-4129.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-12.002      RULE TITLE: Application for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference to the provisional application fee as it is no longer necessary.

SUBJECT AREA TO BE ADDRESSED: Provisional licensure fee.

RULEMAKING AUTHORITY: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 456.013(2), 468.1685(4), 468.1705(1), 468.1735 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NOS.: 64B10-16.001, 64B10-16.002, 64B10-16.0025      RULE TITLES: General Information, Preceptor, Preceptor Training Seminar

PURPOSE AND EFFECT: The Board proposes to review the rules for necessary updates.

SUBJECT AREA TO BE ADDRESSED: General information, preceptor, and preceptor training seminars.

RULEMAKING AUTHORITY: 456.013(1)(a), 468.1685(1), 468.1695(2), (4) FS.

LAW IMPLEMENTED: 468.1695 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
Proposed Rules**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE NO.: 9G-2.002      RULE TITLE: State Comprehensive Emergency Management Plan Adopted

PURPOSE AND EFFECT: To adopt the 2010 revised version of the State CEMP as required by Chapter 252, F.S. This action would replace the 2004 version.

SUMMARY: Per Chapter 252, F.S., the State Comprehensive Emergency Management Plan (CEMP) shall be the master operations document for the State's response to emergencies and disasters. The CEMP has been revised since its last adoption in 2004. Rule 9G-2.002, F.A.C., establishes the most current version of the CEMP and incorporates it by reference into Chapter 252, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.